

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION
WORCESTER

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DEC 16 P 1:54

RECEIVED
U.S. DISTRICT COURT
WORCESTER, MA

LEIGH M. OLSEN,]	
]	
PETITIONER,]	HABEAS CORPUS ACTION
]	DOCKET NO. 4:04-40178-FDS
VS.]	
]	
STEVEN O'BRIEN,]	
SUPT. NCCI,]	
]	
KATHERINE DENNEHY,]	DECEMBER 10, 2004
COMMISSIONER,]	
MASS. DEPT. OF CORR.,]	
]	
RESPONDENTS.]	

TO:
HONORABLE JUDGE F. DENNIS SAYLOR IV
UNITED STATES DISTRICT COURT
C/O
OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
595 MAIN STREET, ROOM 502
WORCESTER, MA 01608

DEAR JUDGE SAYLOR,

WILL YOU KINDLY ADDRESS MY MOTION FOR CERTIFICATE OF
APPEALABILITY AND MAKE YOUR FINAL DISPOSITION AND ORDER THE
DEPUTY CLERK TO COMPLETE SERVICE OF COPIES TO THE UNITED
STATES COURT OF APPEALS.

IT HAS THUS FAR, TAKEN 30 DAYS FOR DISPOSITION, AND MY
APPEAL BRIEF CANNOT BE DOCKETED UNTIL THE CERTIFICATE OF
APPEALABILITY ISSUE OR DENIED BY YOUR HONOR.

RESPECTFULLY SUBMITTED,



LEIGH M. OLSEN, PRO SE
NCCI, P.O. BOX 466
GARDNER, MA 01440-0466

COPIES TO:
MARGARET CARTER
CHIEF DEPUTY CLERK
U.S. COURT OF APPEALS
ANNETTE C. BENEDETTO
ATTORNEY GENERAL

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

No. 04-2560

LEIGH M. OLSEN

Petitioner - Appellant

v.

STEVEN J. O'BRIEN, Superintendent, NCCI Gardner;
KATHERINE DENNEHY, Commissioner, Massachusetts
Department of Corrections

Respondents - Appellees

ORDER OF COURT
Entered: 12/2/04

This court has docketed petitioner-appellant's appeal from the denial of his petition for writ of habeas corpus under 28 U.S.C. Sec. 2254. The case cannot go forward unless a certificate of appealability issues. 28 U.S.C. Sec. 2253. A request for a certificate of appealability must first be sought in the district court. See Local Rule 22.1(b). Petitioner-appellant's request for a certificate of appealability, filed on 11/16/04, is pending in the district court.

Accordingly, we direct petitioner-appellant to file a status report in this court by 1/3/05, and every thirty days thereafter, advising us of the status of that motion. We further order petitioner-appellant to inform us immediately once the district court reaches a decision on the motion for a certificate.

If a status report is not filed by 1/3/05 and at thirty-day intervals thereafter, this appeal may be dismissed for want of diligent prosecution.

By the Court:

Richard Cushing Donovan, Clerk

By MARGARET CARTER
Chief Deputy Clerk

To: Leigh M. Olsen

cc: Annette C. Benedetto

*Revised to
R. C. Donovan, December 10, 2004
at 2:45 PM
[Signature]*

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
JOHN JOSEPH MOAKLEY U.S. COURTHOUSE
1 COURTHOUSE WAY - SUITE 2500
BOSTON, MASSACHUSETTS 02210

OFFICIAL BUSINESS

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01440+0445 07

[illegible]

February
February 14, 1944
at 2:30 PM

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